

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>Appl. No.</b>	<b>:</b>	10/805,875	<b>Confirmation No.</b>	<b>:</b>	9876
<b>Applicant</b>	<b>:</b>	Alexander I. Yatskov	<b>Assignee</b>	<b>:</b>	Liebert Corporation
<b>Filed</b>	<b>:</b>	03/22/2004	<b>Title</b>	<b>:</b>	Systems and Methods for Inter- Cooling Computer Cabinets
<b>TC/A.U.</b>	<b>:</b>	2835			
<b>Examiner</b>	<b>:</b>	Pape, Zachary M.			
<b>Docket No.</b>	<b>:</b>	0021944.116US			
<b>Customer No.</b>	<b>:</b>	26720			

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Mail Stop **Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR CORRECTION OF INVENTORSHIP IN APPLICATION**

Sir:

Assignee, Leibert Corporation, hereby petitions under 35 U.S.C. § 116 and 37 C.F.R. § 1.48(a) to correct the inventorship of the above-referenced non-provisional patent application by adding additional inventors.

**Statement of Assignee Pursuant to 37 C.F.R. § 1.48(a)(5)**

As shown in the declarations submitted herewith, the subject application was filed without Steven Madara, Stephen Sillato, Thomas Harvey, and Daniel Baer as a named inventors through error without deceptive intent. Assignee, therefore, agrees with this change in

inventorship and respectfully petitions the Commissioner to amend the application accordingly.

### **Additional Submissions**

The following items accompany this Petition:

1. Statements of Steven Madara, Stephen Sillato, Thomas Harvey, and Daniel Baer as the added inventors pursuant to 37 C.F.R. § 1.48(a)(2); and
2. Declaration of Steven Madara, Stephen Sillato, Thomas Harvey, and Daniel Baer pursuant to 37 C.F.R. § 1.48(a)(3);
3. Assignee's Statement Under 37 C.F.R. 3.73(b);
4. Assignment from Steven Madara, Stephen Sillato, Thomas Harvey, and Daniel Baer to Liebert Corporation;

### **CONCLUSION**

Assignee thanks the Commissioner for his consideration of this Petition. If there are any questions or if additional information is needed, the Commissioner is invited to telephone or email the undersigned.

Respectfully submitted,

**LOCKE LORD BISSELL & LIDDELL LLP**

By

Albert B. Deaver, Jr.

Reg. No. 34,318

Tel.: (713) 226-1141

[adeaver@lockelord.com](mailto:adeaver@lockelord.com)

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>Applicant</b>	<b>:</b>	Alexander I. Yatskov	<b>Assignee</b>	<b>:</b>	Liebert Corporation
<b>Filed</b>	<b>:</b>	03/22/2004	<b>Title</b>	<b>:</b>	Systems and Methods for Inter- Cooling Computer Cabinets
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<b>Customer No.</b>	<b>:</b>	26720			

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Mail Stop **Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENTS OF:  
STEVEN MADARA; STEPHEN SILLATO; THOMAS HARVEY; DANIEL BAER  
IN SUPPORT OF PETITION FOR CORRECTION OF INVENTORSHIP IN  
APPLICATION**

Sir:

I hereby submit this declaration in support of the petition of Liebert Corporation under 35 U.S.C. § 116 and 37 C.F.R. § 1.48(a) to correct the inventorship of the above-referenced application by adding additional inventors.

Having been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I hereby declare that:

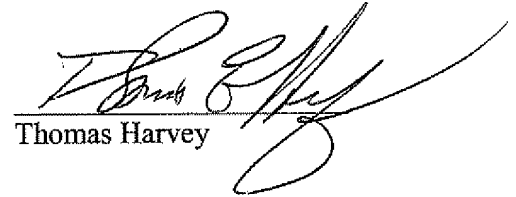
Appl. No. 10/805,875

1. The error in not naming me as a joint inventor on U.S. application serial no. 10/805,875 was made without deceptive intent on my part.
2. All statements made herein of my own knowledge are true and that all statements made on information and belief, if any, are believed to be true.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this \_\_\_\_ day of October 2007.

  
Steven Madara

  
Stephen Sillato

  
Thomas Harvey

  
Daniel Baer

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration  
Submitted  
With Initial  
Filing

OR

☒Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

0021944.116US

First Named Inventor

ALEXANDER I. YATSKOV

## COMPLETE IF KNOWN

Application Number

10/805,875

Filing Date

03/22/2004

Art Unit

2835

Examiner Name

Pape, Zachary M.

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEMS AND METHODS FOR INTER-COOLING COMPUTER CABINETS

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

03/22/2004

as United States Application Number or PCT International

Application Number

10/805,875

and was amended on (MM/DD/YYYY)

passim

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

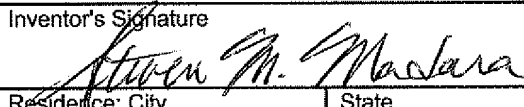
[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

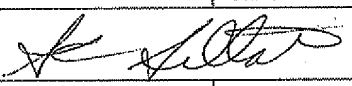
**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input checked="" type="checkbox"/> The address associated with Customer Number: <span style="border: 1px solid black; padding: 2px 20px;">26720</span>		OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	ZIP
Country	Telephone		Email
<b>WARNING:</b>			
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>			
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Steven M.		MADARA	
Inventor's Signature			Date
			Nov 6, 2007
Residence: City	State	Country	Citizenship
Dublin	OH	US	US
Mailing Address			
1050 Dearborn Drive			
City	State	Zip	Country
Columbus	OH	43085	US
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

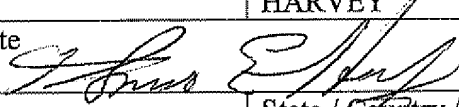
### DECLARATION - Additional inventors

<b>Attorney Docket Number</b>	021944.116US
<b>First Named Inventor</b>	YATSKOV, Alexander I.
<b>Application Number</b>	10/805,875
<b>Filing Date</b>	03/22/2004
<b>Art Unit</b>	2835
<b>Examiner Name</b>	Pape, Zachary

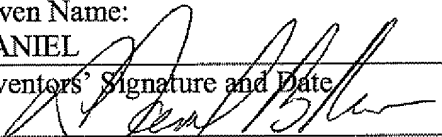
#### Second Inventor

Given Name: STEPHEN	Family Name or Surname: SILLATO
Inventors' Signature and Date  11/2/2007	
Residence City WESTERVILLE	State / Country / Citizenship OH / US / US
Mailing Address 1050 DEARBORN DRIVE	City COLUMBUS
State / ZIP OH / 43085	Country US

#### Third Inventor

Given Name: THOMAS	Family Name or Surname: HARVEY
Inventors' Signature and Date  11-2-2007	
Residence City COLUMBUS	State / Country / Citizenship OH / US / US
Mailing Address 1050 DEARBORN DRIVE	City COLUMBUS
State / ZIP OH / 43085	Country US

#### Fourth Inventor

Given Name: DANIEL	Family Name or Surname: BAER
Inventors' Signature and Date  11/5/2007	
Residence City DELAWARE WASHINGTON	State / Country / Citizenship OH / US / US
Mailing Address 1050 DEARBORN DRIVE	City COLUMBUS
State / ZIP OH / 43085	Country US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: ALEXANDER I. YATSKOV, ET ALApplication No./Patent No.: 10/805,875 Filed/Issue Date: 03/22/2004Entitled: SYSTEMS AND METHODS FOR INTER-COOLING COMPUTER CABINETSLIEBERT CORPORATION, a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Yatskov and Kelley To: Cray, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015126, Frame 0525, or for which a copy thereof is attached.
2. From: Yatskov, Kelley and Cray, Inc. To: Liebert Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 018509, Frame 0615, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Steven Madara  
Signature

STEVEN MADARA

Printed or Typed Name

Nov 6, 2007  
Date

614-841-5847  
Telephone Number

VP + GM LIEBERT COOLING BUSINESS  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, I/We, the undersigned, hereafter individually/collectively "**Assignor**," have invented certain new and useful methods, devices, and/or systems that are disclosed and/or claimed in United States Patent application entitled "Systems and Methods for Intercooling Cabinets," which was filed on March 22, 2004, and accorded serial number 10/805,875, hereafter "**Application**"; and

WHEREAS, **Liebert Corporation**, hereafter "**Assignee**," is desirous of acquiring the entire and exclusive right, title and interest in and to, and possession of, the subject matter disclosed and claimed in the **Application**, including any tangible materials, know-how and trade secrets related thereto (hereafter, collectively, the "**Invention**"); and the entire and exclusive right, title, interest in and to, and possession of, the **Application**, including rights to claim priority thereto, and to all related pending and future applications disclosing or claiming the **Invention** in whole or in part, including, without limitation, all provisional applications, non-provisional applications divisional applications, continuation applications, continuation-in-part applications, renewals, reissues, reexaminations, substitutes or extensions thereof, and to all patents or other related property rights that may be issued or granted thereon anywhere in the world (hereafter, collectively, the "**Intellectual Property**").

NOW, THEREFORE, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and to the extent not already assigned by me/us to **Assignee** by prior written agreement or employment relationship, **Assignor** has hereby, assigned, transferred and conveyed, and does hereby, assign, transfer and convey to **Assignee**, its successors and assigns, the entire and exclusive right, title and interest in and to, and possession and use of, the aforesaid **Intellectual Property**, throughout the world, including without limitation, the right to file and prosecute applications for patent in the name of **Assignee** and/or **Assignor**; all income, royalties, damages and payments now or hereafter due or payable with respect to any patent or other right that is based on the **Intellectual Property**; and in and to all causes of action (either in law or in equity), and the right to sue, counterclaim, and recover for past, present and future infringement of the rights assigned or to be assigned hereunder, as fully and entirely as the same would have been held and enjoyed by **Assignor** if this transfer and assignment had not been made;

AND **Assignor** hereby authorizes and requests the appropriate governmental officials to issue any and all such United States or foreign country patent or related property right assigned hereunder, to **Assignee**, as the owner of the entire and exclusive right, title and interest in and to the same;

AND **Assignor** hereby represents, warrants and covenants that he/she has the full right to convey the interest herein assigned, that he/she has not executed and will not execute any agreement, instrument or assignment in conflict herewith, and that the rights assigned herein are not otherwise encumbered by any grant, license or right;

AND **Assignor** further covenants and agrees that **Assignor** will at any time upon request make, execute and deliver without further compensation, any and all other instruments in writing, including further applications, papers, affidavits, power of attorney, assignments, and other documents, and do all lawful acts and things, which, in the opinion of counsel for **Assignee**, its successors and assigns, may in any country be required or necessary more effectively to secure to and vest in **Assignee**, its successors and assigns the **Intellectual Property**, and that **Assignor** will sign any applications for reissue, division, continuation, continuation-in-part, counterpart, renewal, reexamination, substitute or extension of said **Application** or any resulting patent or related property right;

AND **Assignor** further covenants and agrees that **Assignor** will at any time upon request communicate to the **Assignee**, its successors, assigns or other legal representatives any facts relating to the aforesaid **Invention, Application and Intellectual Property** known to it, and will testify as to the same in any interference, litigation, mediation, arbitration or other proceeding when requested to do so.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, **Assignor** has hereunto set his/her/their hand and seal.

Steven M. Madara

Signature

**Steven M. Madara**

7999 CRAGINHALL CT

Address of Residence

DUBLIN, OH 43017

Nov 6, 2007

Date of Execution

STATE OF OHIO

COUNTY OF

Franklin

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared **STEVEN M. MADARA**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 6<sup>th</sup> day of November, 2007.


Karen L. Rogers

NOTARY PUBLIC

**KAREN L. ROGERS**

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES OCT. 10, 2010

  
Signature  
**Stephen Sillato**

898 MAEBELLE WAY  
Address of Residence

WESTERVILLE, OH 43081

11/2/2007  
Date of Execution

STATE OF OHIO

COUNTY OF Franklin

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared **STEPHEN SILLATO**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 2<sup>nd</sup> day of November, 2007.

  
NOTARY PUBLIC

**KAREN L. ROGERS**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES OCT. 10, 2010

*Thomas E. Harvey*

Signature

Thomas Harvey

222 HAWKEYE CT. COLUMBUS, OH 43235

Address of Residence

2-NOV-07

Date of Execution

STATE OF OHIO

COUNTY OF

*Franklin*

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared THOMAS HARVEY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 2<sup>ND</sup> day of November, 2007.

*Karen L. Rogers*  
NOTARY PUBLIC

**KAREN L. ROGERS**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES OCT. 10, 2010



Signature  
Daniel Baer

45 KENYON BROOK DRIVE

Address of Residence

WORTHINGTON, OH 43085

NOV. 5, 2007

Date of Execution

STATE OF OHIO

COUNTY OF FRANKLIN

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared **DANIEL BAER**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 5<sup>th</sup> day of November, 2007.



**SANDRA S. ROCKWELL**  
Notary Public, State of Ohio  
My Commission Expires 12-08-10

  
NOTARY PUBLIC